

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

DORTHY JEAN RAWLS

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CR. NO. 2:05cr303

United States' Motion to Cancel or Continue Evidentiary Hearing

The United States respectfully moves the Court to cancel or grant a brief continuance of time before holding the evidentiary hearing, tentatively scheduled for Tuesday, February 14, 2006. The United States requests this relief for the following reasons:

1. Defendant Dorothy Jean Rawls filed a Motion to Suppress Statements on January 17, 2006. See Doc. #13. In a pre-trial hearing on this case, however, the Court denied the motion to suppress without prejudice to refile it. Concurrent with this oral ruling, the Court ordered that “[o]n or before 27 January 2006, [Rawls] shall re-file her Motion to Suppress, together with her brief, with authoritative citations, in support of her motion.”

See Doc. #16.

2. The order also noted that “if the defendant files a motion in compliance with this order, counsel and the defendant shall appear for an evidentiary hearing on the motion on 14 February 2006 at 10:00 a.m.” Id.

3. As indicated in the Government’s concurrently filed Motion to Strike, or in the Alternative, Response to Defendant’s Motion for Suppression of Evidence, Rawls’s motion

was untimely and improperly filed. See Doc. #19. As a result, the Government submits that an evidentiary hearing on this matter is not necessary and should therefore be cancelled.

4. If the Court, however, were still to desire an evidentiary hearing, the United States would request a brief continuance of the hearing for two days, until February 16, 2006. The Assistant United States Attorney assigned to this case will be getting married outside of the jurisdiction on February 13, 2006, and will not return to the jurisdiction until February 16, 2006.

5. Rawls's attorney, Amardo Wesley Pitters, has been contacted and has advised that he too has a conflict on February 14, 2006. He therefore has no objections to a continuance in this matter.

Based on the facts stated above, the United States respectfully requests that the Court either cancel or continue the evidentiary hearing in this matter.

Respectfully submitted this 3rd day of February, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Amardo Wesley Pitters.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney